

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

THE ART INSTITUTE OF PHILADELPHIA  
LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 7

Case No. 18-11535 (CTG)

(Jointly Administered)

GEORGE L. MILLER, Chapter 7 Trustee,

Plaintiff,

v.

Adv. Proc. No. 20-50627 (CTG)

TODD S. NELSON, JOHN R. McKERNAN,  
SAMUEL C. COWLEY, EDWARD WEST,  
MARK A. McEACHEN, FRANK JALUFKA,  
J. DEVITT KRAMER, MARK NOVAD, JOHN  
DANIELSON, AND MICK BEEKHUIZEN,

**Re: D.I. 91, 93-95, 98-103, 108, 110, 111,  
113-115, 117 & 118**

Defendants.

**JOINT NOTICE OF COMPLETION OF BRIEFING**

PLEASE TAKE NOTICE that briefing is complete on: (i) *Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad* [D.I. 93]; (ii) *Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint* [D.I. 98]; and (iii) *Defendants Mark McEachen, Frank Jalufka, and John Danielson's (I) Motion to Dismiss First Amended Complaint or in the Alternative, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice* [D.I. 102] (collectively, the "Motions to Dismiss").

<sup>1</sup> Due to the large number of debtors in the above-captioned jointly-administered chapter 7 cases, a complete list of such debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information can be found at footnote 1 of the First Amended Complaint [D.I. 91].

PLEASE TAKE FURTHER NOTICE that each of defendants Edward West, Mark A. McEachen, Frank Jalufka, J. Devitt Kramer, Mark Novad, John Danielson, and Mick Beekhuizen, by and through their respective undersigned counsel, hereby advise the Court that the following pleadings are relevant to the Motions to Dismiss:

1. First Amended Complaint [[D.I. 91](#) – filed February 15, 2022]
2. Motions to Dismiss:
  - A. Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [[D.I. 93](#) – filed April 1, 2022]
    - i. Opening Brief in Support of Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [[D.I. 94](#) – filed April 1, 2022]
    - ii. Request of Defendants John Devitt Kramer and Mark Novad to take Judicial Notice in Support of Motion to Dismiss the First Amended Complaint [[D.I. 95](#) – filed April 1, 2022]
    - iii. Reply Brief in Support of Motion to Dismiss the First Amended Complaint of Defendants John Devitt Kramer and Mark Novad [[D.I. 111](#) – filed June 15, 2022]
  - B. Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint [[D.I. 98](#) – filed April 1, 2022]
    - i. Memorandum in Support of Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint [[D.I. 99](#) – filed April 1, 2022]
    - ii. Declaration in Support of Motion of Defendants West and Beekhuizen to Dismiss the First Amended Complaint [[D.I. 100](#) – filed April 1, 2022]
    - iii. Request of Defendants West and Beekhuizen for Judicial Notice in Support of Motion to Dismiss the First Amended Complaint [[D.I. 101](#) – filed April 1, 2022]
    - iv. Reply Memorandum of Defendants West and Beekhuizen in Support of their Motion to Dismiss the First Amended Complaint [[D.I. 114](#) – filed June 15, 2022]

- v. Declaration in Support of Defendants West and Beekhuizen's Reply Memorandum in Support of their Motion to Dismiss the First Amended Complaint [[D.I. 115](#) – filed June 15, 2022]
- C. Defendants Mark McEachen, Frank Jalufka, and John Danielson's (I) Motion to Dismiss First Amended Complaint, or in the Alternative, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice [[D.I. 102](#) – filed April 1, 2022]
  - i. Memorandum of Law in Support of Defendants Mark McEachen, Frank Jalufka, and John Danielson's (I) Motion to Dismiss First Amended Complaint, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice [[D.I. 103](#) – filed April 1, 2022]
  - ii. Reply in Support of Defendants Mark McEachen, Frank Jalufka, and John Danielson's (I) Motion to Dismiss First Amended Complaint, (II) Motion for a More Definite Statement, (III) Motion to Extend Answer Deadline, and (IV) Joinder to Request for Judicial Notice [[D.I. 113](#) – filed June 15, 2022]
- 3. Order [Regarding Opposition to and Replies in Support of Motions to Dismiss] [[D.I. 108](#) – entered April 12, 2022]
- 4. Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants Motions to Dismiss the First Amended Complaint [[D.I. 110](#) – filed May 16, 2022]
- 5. Request for Oral Argument on Motions to Dismiss [[D.I. 117](#) – filed June 22, 2022]
  - i. Order Scheduling Oral Argument [[D.I. 118](#) – entered June 27, 2022]

Accordingly, the Motions to Dismiss are fully briefed and ready for disposition by this Court.

Dated: June 28, 2022

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